

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GERALD R. HERBERT, No. CV 07-1374-MO

Plaintiff,

JUDGMENT

v.

COMMISSIONER SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

**MOSMAN, J.,**

Based on the record,

IT IS ORDERED AND ADJUDGED that the Commissioner's decision is REVERSED  
and REMANDED for proper consideration of lay testimony as stated on the record.

DATED this 3rd day of November, 2008.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Judge